

Message Text

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ACTION ARA-10

INFO OCT-01 ISO-00 L-03 NSC-05 CIAE-00 INR-07 NSAE-00

PA-01 USIA-06 PRS-01 SP-02 EB-07 COME-00 TRSE-00 CG-00

DOT-00 ARAE-00 AID-05 /048 W

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P 061602Z AUG 75

FM AMEMBASSY LIMA

TO SECSTATE WASHDC PRIORITY 6199

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EO 11652: N/A

TAGS: EINC, EMIN, PFOR, PE, IS

SUBJECT: MARCONA EXPROPRIATION - SHIPMENT ABOARD "ELIZABETH
LYKES"

REF: LIMA 6244

1. THERE FOLLOW MOST RECENT DEVELOPMENTS IN CASE OF
MARCONA SHIPMENTS ABOARD "ELIZABETH LYKES";

A. ON LATE AFTERNOON AUGUST 4, PORT CAPTAIN SENT
SHIP'S AGENT A LETTER ORDERING VESSEL TO OFFLOAD CARGO. TEXT
THIS LETTER FOLLOWS:

QTE IN APPLICATION OF THE PROVISIONS OF DECREE LAW
NO. 21228 ORDERING THE EXPROPRIATION OF THE MINING-METALLURGIC
COMPLEX OF MARCONA MINING COMPANY, PERUVIAN BRANCH, THE CARGO
ON BOARD THE VESSEL ELIZABETH LYKES, FLYING THE U.S. FLAG, AT
PRESENT ANCHORED AT DOCK-4B AT CALLAO SEA TERMINAL, IS INCLUDED
WITHIN THE EXPROPRIATE ASSETS; AND THEREFORE, POSSESSION OF
THE SAME MUST BE GRANTED TO THE MINISTRY OF ENERGY AND MINES
THROUGH HIERRO PERU, UNDER OFFICIAL LETTER 1279-75-EM/SD DATED
TODAY.

QTE TO THIS END, PLEASE TAKE ALL THE NECESSARY ACTIONS IN
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ORDER THAT THE SAID CARGO BE RECEIVED IN FULL AT THE PORT OF

CALLAO AND PLACED AT THE DISPOSAL OF THIS CAPTAINCY FOR THE ENDS PROVIDED IN ART. 252 OF THE REGULATIONS OF CAPTAINCIES AND THE NATIONAL MERCHANT MARINE. CONSEQUENTLY, THE DEPARTURE AUTHORIZED FOR TODAY AT 1900 HOURS IS CANCELLED, AND THE VESSEL MUST APPLY FOR NEW PERMISSION TO WEIGHT ANCHOR. UNQTE

B. SHIP'S CAPTAIN, IN CONSULTATION WITH OWNERS, PROTESTED THIS ORDER. PORT CAPTAIN REJECTED PROTEST AND AGAIN ORDERED OFFLOADING. AFTER CONFERRING WITH NEW ORLEANS HEAD-QUARTERS, CAPTAIN TOLD PORT CAPTAIN THAT IF HE WANTED CARGO OFFLOADED, HE WOULD HAVE TO DO IT HIMSELF. AS OF 5:00 P.M. AUGUST 5, PORT CAPTAIN HAD CREW ON BOARD SHIP ROGGING BOOMS, AND SHIP'S AGENT HAS INFORMED US HE EXPECTS OFFLOADING TO BEGIN EVENING AUGUST 5.

C. A/DCM WAS CALLED TO FOREIGN MINISTRY AT NOON AUGUST 5 AND WAS GIVEN REPLY TO EMBASSY'S NOTE OF AUGUST 1 (LIMA 6213). TEXT FOLLOWS:

QTE ON ACQUAINTING ITSELF WITH NOTE NO. 494 DATED THE FIRST OF THIS MONTH FROM THAT HONORABLE EMBASSY, MY OFFICE CANNOT ACCEPT THE CONTENTS OF YOUR SAID NOTE INASMUCH AS THE FACTS RELATED DO NOT MATCH EITHER THE SITUATION REGARDING THE SHIP-MENT ON BOARD THE "ELIZABETH LYKES" NOR THE ACTUAL FACTS.

QTE I MUST ALSO POINT OUT THAT NO PERUVIAN AUTHORITY HAS INTERVENED TO SEIZE GOODS CONSIGNED TO MARCONA MINING, PERUVIAN BRANCH, AS STATED IN THE NOTE OF THAT HONORABLE EMBASSY.

QTE LIKEWISE, I INFORM YOUR EXCELLENCY THAT THE OFFICIAL ADMINISTRATOR OF HIERRO PERU HAS MADE KNOWN TO THIS OFFICE THE MOTIVES THAT FULLY SUPPORT THE RIGHT OF SUCH ENTERPRISE UPON THE SAID CARGO. UNQTE.

D. FOREIGN MINISTRY OFFICIAL WAS APOLOGETIC WHEN HANDING OVER NOTE AND SAID EMBASSY "SHOULD NOT PAY TOO MUCH ATTENTION TO THE WAY IT WAS WRITTEN". A/DCM TOLD HIM THAT WE WERE CONCERNED THAT GOP DID NOT YET FULLY APPRECIATE SERIOUSNESS WITH WHICH USG VIEWED MARCONA CASE IN GENERAL AND SEIZURE OF CARGO LIMITED OFFICIAL USE

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IN PARTICULAR. OFFICIAL SAID HE SHARED THIS CONCERN AND EXPRESSED HIS PERSONAL REGRET WITH WAY IN WHICH PROBLEM HAD BEEN HANDLED.

2. COMMENT: MINISTER'S NOTE IS TRANSPARENTLY DISINGENUOUS AND IT IS DIFFICULT TO UNDERSTAND WHAT OBJECTIVE IT IS DESIGNED TO ACHIEVE. WE SUGGEST RESPONSE ALONG FOLLOWING LINES" "IN RESPONSE TO YOUR NOTE NO. G-Y/111 OF AUGUST 4, I INVITE YOUR

ATTENTION TO OFICIO NO. 1279-75-EM/SD OF AUGUST 4, BASED ON WHICH PORT CAPTAIN JOSE NORIEGA LA HOZ ORDERED THE OFFLOADING OF THE MARCONA CARGO ABOARD THE UNITED STATES FLAG VESSEL THE "ELIZABETH LYKES." IN KEEPING WITH OUR CONVERSATION OF AUGUST 4 AT THE MINISTRY OF FOREIGN RELATIONS, I BELIEVE WE BOTH AGREE THAT THE MOST IMPORTANT TASK WHICH FACES US AT THIS MOMENT IS THE REESTABLISHMENT OF NEGOTIATIONS BETWEEN YOUR GOVERNMENT AND MARCONA REPRESENTATIVES LOOKING TOWARD THE AMICABLE RESOLUTION OF ALL THE PROBLEMS WHICH HAVE ARISEN BETWEEN THE GOVERNMENT OF PERU AND MARCONA."

3. WE BELIEVE THIS TYPE OF RESPONSE WILL EFFECTIVELY INVITE THE ATTENTION OF THE GOP TO THE OBVIOUS DISCREPANCY BETWEEN THE TEXT OF THE MINISTRY'S NOTE AND THE ACTION WHICH THE GOP HAS IN FACT TAKEN, WHILE AT THE SAME TIME CONTINUING TO FOCUS ATTENTION ON WHAT REMAINS THE CENTRAL ISSUE.
DEAN

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Message Attributes

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Margaret P. Grafeld
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